

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

Case No. 5509
Date Filed 8/9/05
Hearing Date _____
Receipt _____
Fee \$50.00

AUG 1 2005

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction
☐ _____

Nature of Request and Section(s) of Code _____

CASE 5509 MAP 49 TYPE Variance

ELECTION DISTRICT 3 LOCATION 606 Mauser Drive, Bel Air

BY Larry and Victoria Elliott

Appealed because a variance pursuant to Sec. 267-36B, Table V and
Sec. 267-23C(1)(a)[2] of the Harford County Code to allow a covered porch to maintain a
30' front yard setback (32' required) in the R2 district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Larry and Victoria Elliott Phone Number 410-838-1378
Address 606 Mauser Dr. Bel Air MD 21015
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 6006 Mauser Drive - Greenridge II
Bel Air, MD 21015

Subdivision Greenridge II Lot Number 554

Acreage/Lot Size 0.26 ac. Election District 3 Zoning R2

Tax Map No. 49 Grid No. IF Parcel 842 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: shed for garden and lawn
equipment.

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

We are requesting a minor variance so that we
can replace our existing porch with a permanent
covered porch that will slightly encroach on the setback.
The porch is to be the length of the house and
six feet wide.

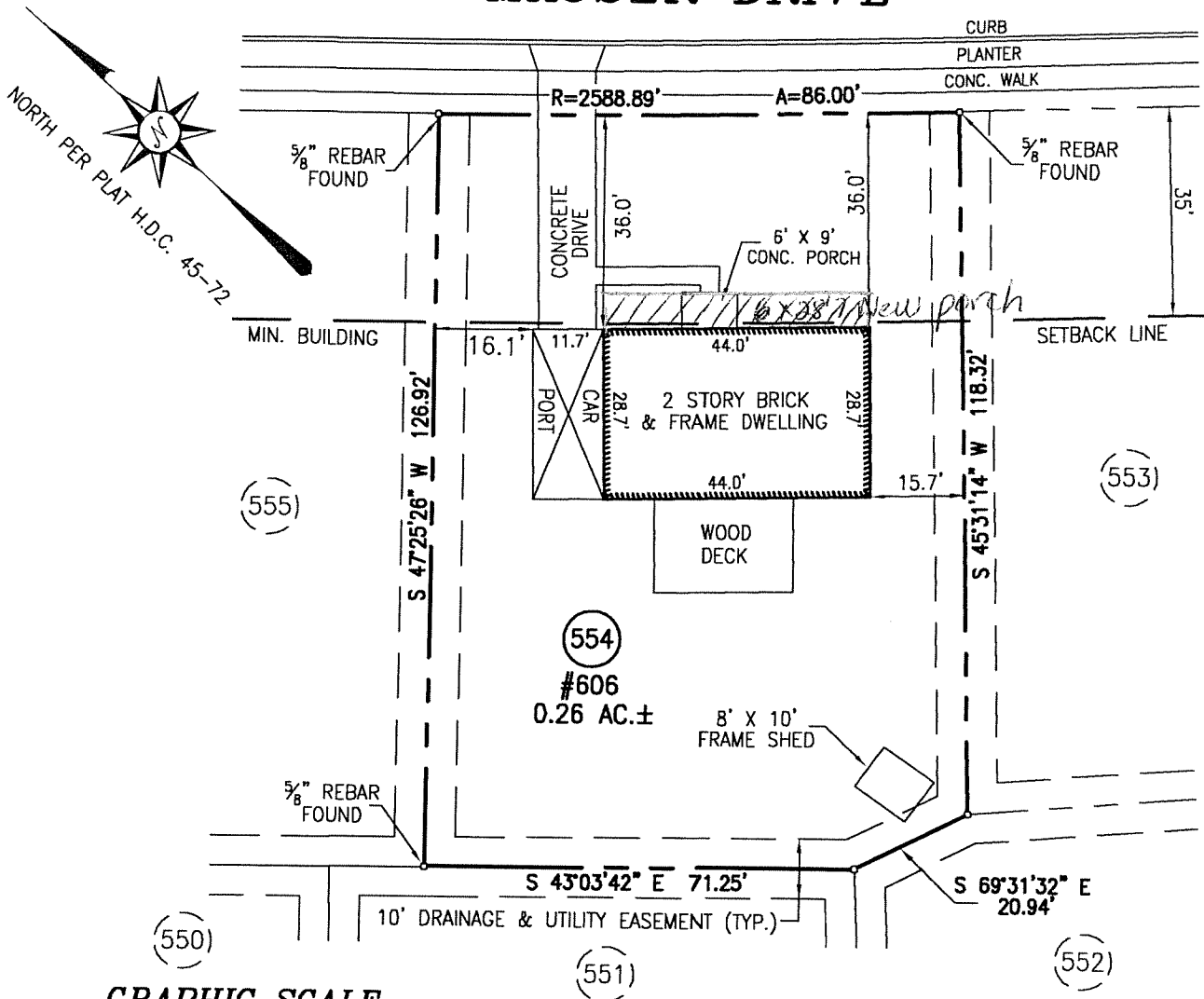
Justification

We are applying for a variance so that we can
build a covered porch onto the front of our house.
This will keep the sun out of our living room, improve
the appearance of our home and allow us to use the
porch for our leisure time. It would also help keep our
front basement wall dry during wet weather by keeping the
water away from that wall.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

MAUSER DRIVE

60' R/W



GRAPHIC SCALE



90' NOTE: POSITIONS OF IMPROVEMENTS SHOWN HEREON IN RELATION TO PROPERTY LINES ARE WITHIN A TOLERANCE OF 0.2'±

PLAT REF: H.D.C. 45-72
DEED REF: C.G.H. 2318/1036

THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING.

THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.

THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.

5-12-2005 *Joseph C. Thompson*
DATE JOSEPH C. THOMPSON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 21039



LOCATION DRAWING
LOT 554
FINAL PLAT THREE - SECTION XIV
GREENRIDGE II

THOMPSON & McCORD
ASSOCIATES, LLC

402 N. HICKORY AVENUE SUITE B
BEL AIR, MARYLAND
410-803-0696

LAND SURVEYORS & SITE DEVELOPMENT

SCALE: 1"=30'

DATE: 5-12-05

DRAWN: McCORD

JOB NO.: ELLIOTT

ELEC. DIST. NO.3

HARFORD COUNTY, MD.

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



ANTHONY S. McCLUNE
ACTING DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

September 7, 2005

STAFF REPORT

BOARD OF APPEALS CASE No. 5509

APPLICANT/OWNER: Larry Elliott
606 Mauser Drive, Bel Air, Maryland 21015

Co-APPLICANT: Victoria Elliott
606 Mauser Drive, Bel Air, Maryland 21015

REPRESENTATIVE: Applicant

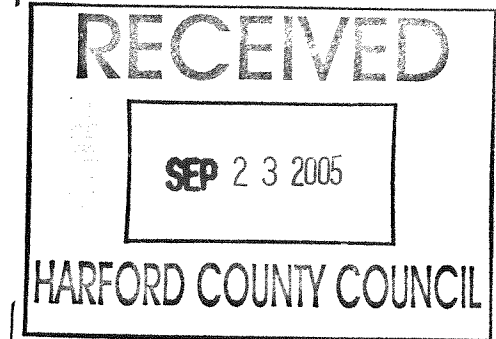
LOCATION: 606 Mauser Drive – Greenridge II
Tax Map: 49 / Grid: 1F / Parcel: 842 / Lot: 554
Election District: Third (3)

ACREAGE: 0.26 of an acre

ZONING: R2/Urban Residential District

DATE FILED: August 9, 2005

HEARING DATE: October 3, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"We are requesting a minor variance so that we can replace our existing porch with a permanent covered porch that will slightly encroach on the setback. The porch is to be the length of the house and six feet wide."

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Board of Appeals Case Number 5509

Larry and Victoria Elliott

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Justification:

“We are applying for a variance so that we can build a covered porch onto the front of our house. This will keep the sun out of our living room, improve the appearance of our home and allow us to use the porch for our leisure time. It would also help keep our front basement wall dry during wet weather by keeping the water away from that wall.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V and Section 267-23C(1)(a)[2] of the Harford County Code to allow a covered porch to maintain a 30-foot front yard setback (32-feet required) in the R2/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

Section 267-23C(1)(a)[2] of the Harford County Code reads:

- C. *Exceptions and modifications to minimum yard requirements.*
 - (1) *Encroachment. [Amended by Bill No. 88-17]*
 - (a) *The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:*
 - [2] *Bay windows, balconies, chimneys or porches: three (3) feet.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located to the east of Bel Air and is part of the Greenridge II development. The lot is situated on the southwest side of Mauser Drive one lot north of Winslow Drive. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

This area of the County is located within the Development Envelope. The predominant land use designations include Low and Medium Intensities within the Development Envelope and Agricultural outside of the Development Envelope. The Natural Features Map reflects stream systems and Maryland Environmental Trust Easements. The Applicant's property is located within the Low Intensity Designations, which is defined by the 2004 Master Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre.

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Larry and Victoria Elliott

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Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The topography of the area generally ranges from gently rolling to steep, especially near the stream valleys. Residential uses include single-family homes, garden apartments, townhouses and condominiums. Commercial uses are located along Churchville Road (MD Route 22). A copy of the topography map and the aerial photograph are enclosed with the report (Attachments 6 and 7).

The subject lot is basically rectangular in shape, approximately 0.26 of an acre in size. It slopes up from the road to the front of the house leveling off around the dwelling and rises gently again to the rear property line. At the same time the lot slopes gently down from right to left as you face the front of the dwelling. Improvements consist of a 2-story brick and frame dwelling with a carport that has been partially screened. Other improvements consist of a concrete driveway, open wooden deck attached to the rear of the dwelling, and a shed in the left rear corner of the property. The property is nicely landscaped and contains some large mature trees in the rear yard. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B2/Community Business District. Immediately to the east and south of the Greenridge Development the area is predominantly zoned AG/Agricultural. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V and Section 267-23C(1)(a)[2] of the Harford County Code to allow a covered porch to maintain a 30-foot front yard setback (32-feet required) in the R2/Urban Residential District.

Section 267-23C(1)(a)[2]:

C. *Exceptions and modifications to minimum yard requirements.*

(1) *Encroachment. [Amended by Bill No. 88-17]*

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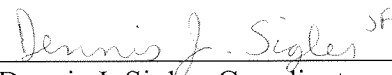
Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.


The Code permits the encroachment of 3-feet into the front yard setback for porches. The required front yard setback is 35-feet and the Applicant's dwelling is located at 36-feet from the front yard setback. The proposed porch is 6-feet in width, therefore the applicants are seeking a 2-foot variance. Given the slope of the front yard the 2-foot variance would not be easily noticeable. The proposed porch will not extend out as far as the existing side walk and will not have an adverse impact on the adjacent properties or the intent of the code. Enclosed with the report are photographs and a list of addresses of similar variances that have been approved in the Greenridge development (Attachments 11 and 12).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department recommends that the requested variance be approved subject to the following conditions:

1. The Applicants obtain all necessary permits, approvals and inspections for the construction of the porch.
2. The Applicants shall submit a landscaping plan to the Department of Planning and Zoning for approval prior to the issuance of a permit for the porch.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, Acting Director
Department of Planning and Zoning

DJS/ASM/jf